

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, FEBRUARY 27 AND 28, 2012  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULTS OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of February 27 and 28, 2012, as follows:

**CLOSED SESSION MEETING FOR MONDAY, FEBRUARY 27, 2012, at 3:30 p.m.**

(Closed Session Meeting was held on Monday at 3:30 p.m. and reconvened on Tuesday, February 28, 2012, at 9:00 a.m.)

**ROLL CALL FOR MONDAY, FEBRUARY 27, 2012:**

Present: Mayor Sanders, Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Emerald, and Alvarez

Absent: Councilmember DeMaio – Dist. 5 (Absent for Meeting.)  
Councilmember Zapf – Dist. 6 (Absent for Items CS-2 and CS-3)

**CLOSED SESSION ITEMS FOR MONDAY, FEBRUARY 27, 2012:**

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9 (c):**

**CS-1 Number of Anticipated Cases: at least five**

Report: Nothing to Report

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-2 *State of California Dep't of Finance et al. v. Comm'n on State Mandates***  
Sacramento Superior Court Case No. 34-2010-80000604

DCA Assigned: H. Stroud

Motion: Approve the City joining the appeal of the trial court decision to grant a writ of mandate.

Moved: Councilmember Lightner – Dist. 1

Seconded: Councilmember Emerald – Dist. 7

Vote: Passed 6 to 0 with Councilmembers DeMaio and Zapf absent

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, February 28, 2012, at 3:57 p.m.

Yesterday, in Closed Session, the City Council voted on Closed Session Item No. 2, *State of California Dep't of Finance et al. v. Comm'n on State Mandate*, Sacramento Superior Court Case No. 34-2010-80000604, to approve the City joining the appeal of the trial court decision to grant a writ of mandate. This matter involved unfunded State mandates in the City's 2007 National Pollutant Discharge Elimination System permit for storm water issued by the San Diego Regional Water Quality Control Board.

The motion passed 6 to 0 with Councilmembers DeMaio and Zapf absent.

**CS-3 *Park Place on Harbor Drive Owners Association v. Bosa Development California, Inc., et al.***  
San Diego Superior Court Case No. 37-2009-000099056-CU-CD-CTL (Lead Case)  
(Consolidated with San Diego Superior Court Case No. 37-2010-00094666-CU-CD-CTL  
and San Diego Superior Court Case No. 37-2010-0099534-CU-PO-CTL)

CDCA Assigned: C. Leone

Report: Nothing to Report

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code section 54956.9(b)(3)(A)**

**CS-4 Number of Cases: Unknown at this time**

**NOTE:** This Item was heard at the Tuesday, February 28, 2012, Closed Session Meeting at 9:00 a.m.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-5 Management Team Members:**

Timothy Davis, Burke, Williams & Sorensen, LLP  
Scott Chadwick, Director, Human Resources Department  
Jennifer Carbuccia, Deputy Director, Human Resources Department  
Rimah Khouri, Labor Relations Officer  
Karen DeCrescenzo, Labor Relations Officer  
John O'Neill, Labor Relations Officer  
Lourdes Silva, Labor Relations Officer  
Hadi Dehghani, Personnel Director  
Greg Bych, Risk Management Director  
Valerie VanDeweghe, Deputy Director, Risk Management Department  
Marcelle Rossman, Financial Operations Manager, City Comptroller  
Javier Mainar, Fire Chief  
Jeff Carle, Assistant Fire Chief  
Brian Fenessey, Assistant Fire Chief  
Rick Wurts, Lifeguard Chief  
William Lansdowne, Police Chief  
Shelley Zimmerman, Assistant Police Chief  
Paul Cooper, Assistant to the Police Chief  
Tanya Tomlinson, Deputy Director, Office of the City Attorney (for Deputy City Attorneys Association only)  
Joan Dawson, Deputy City Attorney  
William Gersten, Deputy City Attorney  
Roxanne Story Parker, Deputy City Attorney  
Lori Thacker, Deputy City Attorney

Designated as representatives within the meaning of California Government Code section 54957.6(a):

Andrea Tevlin, Independent Budget Analyst  
Jeff Sturak, Deputy Director, Office of the Independent Budget Analyst  
Lisa Byrne, Fiscal and Budget Analyst, Office of the Independent Budget Analyst

**Employee organizations:**

American Federation of State, County and Municipal Employees,  
Local 127 (AFSCME Local 127)  
Deputy City Attorneys Association (DCAA)  
Local 145, International Association of Fire Fighters  
San Diego Municipal Employees' Association (MEA)  
San Diego Police Officers Association (SDPOA)  
Teamsters, Local 911 (Teamsters)

**NOTE:** This Item was heard at the Tuesday, February 28, 2012, Closed Session Meeting at 9:00 a.m.

**CLOSED SESSION MEETING FOR TUESDAY, FEBRUARY 28, 2012, at 9:00 a.m.**

**ROLL CALL FOR TUESDAY, FEBRUARY 28, 2012:**

Present: Mayor Sanders, Council President Young, Council President Pro Tem  
Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, Emerald,  
and Alvarez

Absent: All Present

**CLOSED SESSION ITEMS FOR TUESDAY, FEBRUARY 28, 2012:**

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California  
Government Code section 54956.9(b)(3)(A)**

**CS-4 Number of Cases: Unknown at this time**

Report: Nothing to Report

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-5 Management Team Members:**

Timothy Davis, Burke, Williams & Sorensen, LLP  
Scott Chadwick, Director, Human Resources Department  
Jennifer Carbuccia, Deputy Director, Human Resources Department  
Rimah Khouri, Labor Relations Officer  
Karen DeCrescenzo, Labor Relations Officer  
John O'Neill, Labor Relations Officer  
Lourdes Silva, Labor Relations Officer  
Hadi Dehghani, Personnel Director  
Greg Bych, Risk Management Director  
Valerie VanDeweghe, Deputy Director, Risk Management Department  
Marcelle Rossman, Financial Operations Manager, City Comptroller  
Javier Mainar, Fire Chief  
Jeff Carle, Assistant Fire Chief  
Brian Fenessey, Assistant Fire Chief  
Rick Wurts, Lifeguard Chief  
William Lansdowne, Police Chief  
Shelley Zimmerman, Assistant Police Chief  
Paul Cooper, Assistant to the Police Chief  
Tanya Tomlinson, Deputy Director, Office of the City Attorney (for Deputy City  
Attorneys Association only)

Joan Dawson, Deputy City Attorney  
William Gersten, Deputy City Attorney  
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Local 145, International Association of Fire Fighters  
San Diego Municipal Employees' Association (MEA)  
San Diego Police Officers Association (SDPOA)  
Teamsters, Local 911 (Teamsters)

Report:           Nothing to Report

REPORTED BY:                     /s/                      
Mary Jo Lanzafame  
Assistant City Attorney